

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHIGAN DEPARTMENT OF  
ENVIRONMENTAL QUALITY,

Plaintiff,

Case No. 1:18-cv-39

and

HON. JANET T. NEFF

PLAINFIELD CHARTER TOWNSHIP, et al.

Intervenors-Plaintiffs,

v.

WOLVERINE WORLD WIDE, INC.,

Defendant.

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WOLVERINE WORLD WIDE, INC.,

Third-Party Plaintiff,

v.

3M COMPANY,

Third-party Defendant.

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**ORDER**

This case is scheduled for a Summary Jury Trial on November 13, 2019 on the topic of the appropriate remedy for the House Street area water contamination at issue in this case, i.e., whole-house filters or extension of the municipal water supply (*see* 7/26/19 Order, ECF No. 107). The parties have filed a Joint Notice (ECF No. 122), indicating that despite their participation in mediation, they were unsuccessful in resolving any of the remedy issues. Accordingly, pursuant to the Court's July 26, 2019 Order, the Court issues the following List of Considerations for

decision by the summary jury. The Court anticipates that the presentation of the evidence will incorporate the following, although the parties may address other key disputed issues, subject to the time constraints set forth in the July 26, 2019 Order (ECF No. 107).

**1. Background, nature and extent of the House Street area contamination.**

- A. What is the expected future extent of contamination, i.e., spread of the contamination plume, including an estimate of the number of households affected by groundwater contamination?

**2. Public health danger(s) from exposure to PFAS.**

- A. What does the science establish are the public health risks of the PFAS contamination?
- B. Is there evidence that current residents have actually sustained injury related to PFAS?

**3. Explanation of proposed alternative remedies, i.e., whole house filters versus extension of the municipal water supply.**

- A. Which of the two proposals is preferable from the perspective of effectively protecting the public health?
- B. To what extent does each remedy mitigate the public health danger(s), or if appropriate, extend beyond what is necessary for mitigation, e.g., extending municipal water supply to unaffected homes?

**4. Effectiveness, cost and long term feasibility of each remedy.**

- A. How should/will the remedy be financed, including any costs to affected homeowners?
- B. Where does the burden lie for the cost of the remedy, including any allocation supported by the evidence?
  - 1. Was an extension of the municipal water planned or anticipated prior to the discovery of the contamination?
  - 2. How will whole house filters be implemented to address future contamination and additional households?

The opposing sides shall not later than October 11, 2019 file a joint statement of the case/purpose of the Summary Jury Trial and a proposed verdict form of limited questions for decision by the summary jury, based on the permitted considerations set forth by the Court.

**IT IS SO ORDERED.**

Dated: October 3, 2019

/s/ Janet T. Neff  
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JANET T. NEFF  
United States District Judge